

GAU 1638  
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JUL 16 2002  
TECHNOLOGY CENTER 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cole et al.  
Serial No. : 09/508,710  
Filed : July 10, 2000  
For : NEW PLANT GENES

Examiner: David H. Kruse  
Group Art Unit: 1638



PRELIMINARY AMENDMENT

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July 9, 2002

**By Express Mail No: ET346777386US**  
**Box Patent Application**  
Assistant Commissioner of Patents  
Washington D.C. 20231

JUL 17 2002

TECH CENTER 1600/2900

Sir:

Further to our response mailed June 4, 2002, please consider this preliminary amendment and the remarks made herein.

AMENDMENTS

IN THE CLAIMS

Please rewrite the claims as follows:

21. (Twice Amended) A method of obtaining a first-generation transgenic plant comprising:

- D1  
SUB EQ
- (a) transforming a plant cell with the expression vector according to claim 11 to obtain a transformed plant cell, and
  - (b) regenerating the transformed plant cell to obtain a transgenic plant.

D2  
31. (Twice Amended) A vector comprising the nucleic acid construct according to claim 29 or 30.